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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,689	01/14/2002	Tomoyuki Asahara	1163-0385P	9014

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EXAMINER	
TRAN, DALENA	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/030,689	ASAHARA ET AL.	
	Examiner	Art Unit	
	Dalena Tran	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/7/05*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-8 and 10-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7,8 and 12* is/are rejected.

7)☒ Claim(s) *6,10 and 11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 11/7/05. Claims 1-2,4-8,10-12 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2,4-5, 7-8, and 12, are rejected under 35 U.S.C.103(a) as being unpatentable over Herbst et al. (6,321,161) in view of Kirson (5,220,507).

As per claim 1, Herbst et al. disclose a navigation device, comprising a route searching which when at anytime requested by a user, searches an entire route to destination when the destination is set (see at least column 1, lines 6-10; column 2, lines 29-37; columns 4-5, lines 40-18; columns 5-6, lines 55-52; columns 9-10, lines 39-31; and column 11, lines 30-60). Herbst et al. do not explicitly disclose lists of guide points. However, Herbst et al. disclose a list display which lists and displays road segments on the route searched (see at least column 5, lines 19-42), and a road segment has 2 nodes, one at each end, each node represents a point in the geographic region (column 4, lines 13-17). Therefore, it would have been obvious that Herbst et al. system capable of displaying a list of guide points.
Also, Herbst et al. disclose provide route guidance to the vehicle driver for following the route calculated from origin location to a destination location (see at least column 4, lines 62-67), and

Herbst et al. do not explicitly disclose a route searching which when at anytime requested by a user. However, Herbst et al. disclose a navigation route guidance system capable of searching a route when at anytime requested by a user, because Herbst et al. disclose "provide guidance about alternative routes **while driving**" (see at least column 1, line 9). Herbst et al. also disclose a route guidance system by which driver-observable conditions can be incorporated into the guidance, and the driver-observable conditions include any kinds of conditions along the road while the driver proceed to the destination, for example, traffic congestion, road surface condition, road construction, etc.... (see at least columns 5-6, lines 55-3); and when presented with these observation, the driver desires to be advised by the navigation system about deviating from the calculate route at the upcoming intersection (see at least column 6, lines 42-45); and the guidance application would provide the end user with instructions to follow the new solution route to the destination (see at least column 10, lines 23-26). Therefore, it is obvious that Herbst et al. provide a route searching which when at anytime requested by a user while the driver travel along the route to the destination and want to be advised by the navigation system about deviating from the upcoming traffic congestion, road surface condition, road construction as discussed as above.

Herbst et al. also do not explicitly disclose designating at least two of guide points, receives a bypass setting for a section connecting the at least two guide points. However, Herbst et al. disclose identify road segments to avoid by the user, and this identify road segments include portions of the original solution route (see at least column 12, lines 53-63). Herbst et al. also disclose this road segments is listed in the identifying list of the road segments of the solution route (as cited in column 5, lines 19-42 as above). Herbst et al. disclose the system allow the

user to select a different location at which to evaluate a deviation from the solution route (column 9, lines 47-47). This location can be an upcoming intersection (column 9, line 44), or a location other than the upcoming intersection (column 9, lines 50-51), and the user can select more than one location (column 10, lines 5-6). Also, Herbst et al. disclose in figure 5, **each intersection INT(1), INT(2), and INT(3), represent a guide point** of the solution route to the destination. Therefore, it would have been obvious to one of ordinary skill in the art that, by allowing the user to select more than one location either upcoming intersection, or a location other than upcoming intersection, Herbst et al. implies at least two guide points can be selected to evaluate deviation route. Also, Herbst et al. disclose evaluate a deviation of the road segments to avoid by the user, and those identified roads segments are not included in any possible deviation routes (column 12, lines 62-63). Herbst et al. also disclose wherein when receives the bypass setting for the section connecting the at least two guide points, re-searches the route to the destination in accordance with the setting result (see at least column 10, lines 18-31). Therefore, it would have been obvious that Herbst et al. disclose designating at least two of guide points, receives a bypass setting for a section connecting the at least two guide points when the list display means lists and displays the guide points on the entire route.

Still in claim 1, Herbst et al. do not disclose stores the bypass setting. However, Kirson discloses stores the bypass setting, and wherein when route searching means searches the entire route to the destination, route searching means refers to the bypass setting stored in the storage (see columns 3-4, lines 35-62; and column 5, lines 46-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system disclose by Herbst et al. by designating at least two guide

points, receives a bypass setting for a section connecting the at least two guide points when the list display lists and displays the guide points on the route to clearly define an alternative route to avoid any observable condition along the travel route, for example, in case of traffic congestion or road constructions, and choose an alternate route to go around, thereby provide a shorter or faster route to reach to the destination to the driver. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al. by combining stores the bypass setting because the navigation system of Herbst et al. provide calculated alternative routes to the driver, and the system based on bypass or detours supplied by the operator, if the driver did not like the calculated route, and when the bypass setting specified by the driver is stored, the navigation system can recalculate the route without has to ask the driver which route he want to bypass again, because the system can refers back to the bypass stored in the storage.

As per claim 2, Herbst et al. discloses receives a bypass setting for an arbitrary guide point (see at least column 12, lines 53-63; and column 10, lines 18-31).

As per claims 4-5, Herbst et al. do not disclose modification on the bypass settings. However, Kirson discloses receives modification on the bypass settings while indicating the bypass settings stored in the storage, and indicates the bypass settings stored in the storage before the route seaching searches the entire route to the destination (see columns 4-5, lines 63-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al. by combining modification on the bypass settings to update the bypass setting selected by the driver depend every portion of the route the driver drive through.

As per claim 7, Herbst et al. disclose a navigation device, comprising a route searching which when at anytime requested by a user, searches an entire route to destination when the destination is set (see at least column 1, lines 6-10; column 2, lines 29-37; columns 4-5, lines 40-18; columns 5-6, lines 55-52; columns 9-10, lines 39-31; and column 11, lines 30-60), and a list display which lists and displays guide points on the route searched (see at least column 5, lines 19-42). Eventhough, Herbst et al. disclose provide route guidance to the vehicle driver for following the route calculated from origin location to a destination location (see at least column 4, lines 62-67), and Herbst et al. do not explicitly disclose a route searching which when at anytime requested by a user. However, Herbst et al. disclose a navigation route guidance system capable of searching a route when at anytime requested by a user, because Herbst et al. disclose "provide guidance about alternative routes **while driving**" (see at least column 1, line 9). Herbst et al. also disclose a route guidance system by which driver-observable conditions can be incorporated into the guidance, and the driver-observable conditions include any kinds of conditions along the road while the driver proceed to the destination, for example, traffic congestion, road surface condition, road construction..... (see at least columns 5-6, lines 55-3); and when presented with these observation, the driver desires to be advised by the navigation system about deviating from the calculate route at the upcoming intersection (see at least column 6, lines 42-45); and the guidance application would provide the end user with instructions to follow the new solution route to the destination (see at least column 10, lines 23-26). Therefore, it is obvious that Herbst et al. provide a route searching which when at anytime requested by a user while the driver travel along the route to the destination and want to be advised by the navigation system about deviating from the upcoming traffic congestion, road surface condition,

road construction as discussed as above. Herbst et al. disclose searching an optimal route based on map data stored in a map database and the inputted entire route information (see at least column 4, lines 25-39; and columns 4-5, lines 59-3), retrieving from the map database one or more guide points associated with the optimal route, listing the one or more guide points on a display (see at least column 5, lines 19-42), determining by the user whether to select a bypass setting based on the listed guide points, the bypass setting indicating which guide points should be bypassed (see at least column 12, lines 53-63), and performing an updated search of the optimal route based on the bypass setting (see at least column 10, lines 18-31). As the same reasons discussed in claim 1 above, Herbst et al. also do not explicitly disclose the bypass setting indicating which guide points should be bypassed. However, Herbst et al. disclose identify road segments to avoid by the user, and this identify road segments include portions of the original solution route (see at least column 12, lines 53-63). It is obvious to one of ordinary skill in the art that a road segments is a section connecting by at least two guide points; Herbst et al. also disclose this road segments is listed in the identifying list of the road segments of the solution route (see at least column 5, lines 19-42). Therefore, it is obvious that Herbst et al. disclose determining by the user whether to select a bypass setting based on the listed guide points, the bypass setting indicating which guide points should be bypassed.

Still in claim 7, Herbst et al. do not disclose stores the bypass setting. However, Kirson discloses storing a selected bypass setting in a memory for retrieval during route searching (see columns 3-4, lines 35-62; and column 5, lines 46-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system disclose by Herbst et al. by select a bypass setting based on

the listed guide points for clearly define an alternative route to avoid any observable condition along the travel route, for example, in case of traffic congestion or road constructions, and choose an alternate route to go around, thereby provide a shorter or faster route to reach to the destination to the driver. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al. by combining stores the bypass setting because the navigation system of Herbst et al. provide calculated alternative routes to the driver, and the system based on bypass or detours supplied by the operator, if the driver did not like the calculated route, and when the bypass setting specified by the driver is stored, the navigation system can recalculate the route without has to ask the driver which route he want to bypass again, because the system can refers back to the bypass stored in the storage.

As per claim 8, Herbst et al. disclose one or more sections of the optimal route defined by the guide points may be bypassed (see at least columns 9-10, lines 39-31).

Claim 12, is apparatus claim corresponding to method claim 7 above. Therefore, it is rejected for the same rationales set forth as above.

4. Claims 6, and 10-11, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

5. Applicant's argument filed on 11/7/05 has been fully considered but they are not deemed to be persuasive.

6. Applicant's argument in page 2, the last 2 paragraphs of the amendment that in Herbst's system, "the identified segments are not included in the route", and "the identification of road segments is not the same as designating at least two guide points".

Firstly, Herbst et al. disclose in column 12, line 57, the user identify road segments to avoid, and these road segments include portions of the original solution route (column 5, lines 35-42; and column 12, lines 59-60). Therefore, in Herbst's system, the identified segments are included in the route.

Secondly, applicant's argue "the identification of road segments is not the same as designating at least two guide points". However, Herbst et al. disclose a road segment has 2 nodes, one at each end, each node represents a point in the geographic region (column 4, lines 13-17). Therefore, it would have been obvious to one of ordinary skill in the art that a road segment include 2 guide points. Furthermore, Herbst et al. disclose the system allow the user to select a different location at which to evaluate a deviation from the solution route (column 9, lines 47-47). This location can be an upcoming intersection (column 9, line 44), or a location other than the upcoming intersection (column 9, lines 50-51), and the user can select more than one location (column 10, lines 5-6). Also, Herbst et al. disclose in figure 5, **each intersection INT(1), INT(2), and INT(3), represent a guide point** of the solution route to the destination. Therefore, it would have been obvious to one of ordinary skill in the art that, by allowing the user to select more than one location either upcoming intersection, or a location other than upcoming intersection, Herbst et al. implies at least two guide points can be selected to evaluate deviation route. For example, in figure 5, guide points labeled as INT(1), INT(2), and INT(3), represent all the major intersections in the guide route, however other segments (such as K, I, G,

etc... has 2 guide points in each segment), if the user want to avoid a part of the road that encompasses segments (K, I, G, and E), then the user can select a point at INT(1) location, and a point at INT(3) to bypass all segments K, I, G, and E. Therefore, Herbst et al. disclose a system capable of selecting at least two guide points to evaluate deviation route. The motivation as item 3 above.

Applicant's argue on page 4 about it would not be motivated to include Kirston's memory to store a bypass setting. It would have been obvious to one of ordinary skill in the art to include Kirston's memory to store a bypass setting because the navigation system of Herbst et al. provide calculated alternative routes to the driver, and the system based on bypass or detours supplied by the operator (see Herbst et al., column 10, lines 18-31), therefore, if the driver do not like the calculated route, and when the bypass setting specified by the driver is stored, the navigation system can recalculate the route without has to ask the driver which route he want to bypass again.

Examiner maintains that all the references cited meet the language of the claims invention. Therefore, the rejection under 35 U.S.C.103(a) are considered to be proper.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shorten statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner
Dalena Tran

January 18, 2006